

U.S. Patent Application No. 09/900,533
Amendment dated May 2, 2005
Response to Office Action dated February 1, 2005

REMARKS/ARGUMENTS

Reconsideration and continued examination of this application are respectfully requested.

The amendment to the claims is fully supported by the present application, including the claims as originally filed. Claim 1 has been amended to incorporate the range of chelating agent concentrations that was previously recited in claim 2, and claim 2 has been canceled. Claim 34 has also been amended to correct a typographical error. Accordingly, no questions of new matter should arise. Entry of this amendment is respectfully requested.

While claims 11-18, 20, 22-24, are indicated as withdrawn again, the applicants believe that in view of the allowability of claim 1 and the remaining independent claims, the withdrawn claims should be allowable again as well since they relate to method claims that are using the compositions of the independent claims that have been examined. Accordingly, the Examiner is respectfully requested to re-join these claims at this time and to allow all of the pending claims.

At page 2 of the Office Action, the Examiner rejects claims 1-3, 5-7, 9 and 10 under 35 U.S.C. §102(b), as anticipated by Baker Hughes INTEQ, Clear Drill, Version 3, July 1, 1994 (Baker Hughes). The Examiner has cited a composition recited on page 12 of the reference. For the following reasons, this rejection is respectfully traversed.

The citric acid concentration mentioned in the clear-drill C composition of the Baker Hughes reference is present in a trivial amount ($\cong 0.03M$) and is used merely to help control the pH. However, the chelating agent of the present invention is a chelating agent and not just a pH adjuster. See, for instance, the present specification, page 10, line 16 to page 11, line 7. The present specification explains how the chelating agent preferably plays an active role in the dissolution

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process of the scaling deposits, including the alkaline earth metal sulfates. Additionally, it is also explained that the cesium formate and chelating agent may provide synergistic results with respect to the rate and completeness at which the scaling deposits are dissolved or solubilized. Mixtures of chelating agents may also be used. Claim 1 recites that the chelating agent is present in an amount of from about 0.2 M to about 1.0 M, which simply is not shown in the cited Baker Hughes document.

The use of citric acid in the Baker Hughes compositions is explained on page 6 of the reference. The citric acid is used "to allow pH levels to be reduced" and to "maintain pH within specified parameters." See Baker Hughes INTEQ, page 6. This explains the use of extremely small amounts of citric acid in Baker Hughes. The citric acid is simply being used as a convenient agent to reduce the pH. The concentrations used in Baker Hughes are well below those used in the instant invention, and that are recited in claim 1.

Since the amount of citric acid used in Baker Hughes is well outside the range of claim 1, and is used for a completely different purpose, it is respectfully submitted that the presently claimed compositions are patentable over Baker Hughes. It is respectfully requested that this rejection be withdrawn and the claims allowed.

Claims 11-18, 20 and 22-24 are method claims which depend upon composition claim 1 and have been withdrawn from consideration. It is respectfully submitted that since now claim 1 is allowable over the art of record, these claims should be allowed as well. Claims 25-59 have been acknowledged by the Office to be presently allowable.

CONCLUSION

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this

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application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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